

Wetlands Bureau Decision Report

Decisions Taken
03/16/2009 to 03/22/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2007-01605 DALTON HYDRO COMPANY **DALTON Connecticut River**

Requested Action:

Proposal to dredge and fill 28,597 sq. ft. (includes 7,677 sq. ft. of permanent impact and 20,920 sq. ft. of temporary impact) of river bed for installation of ramped fish passage with a gated entrance, concrete walkway, new trash racks, future powerhouse foundation, tailrace wall extensions and associated tailrace rip-rap protection. A majority of the impacts (20,920 sq. ft.) are for temporary bed impacts associated with the installation of the cofferdam.

WITHDRAW APPLICATION:

Withdraw proposal to dredge and fill 28,597 sq. ft. (includes 7,677 sq. ft. of permanent impact and 20,920 sq. ft. of temporary impact) of river bed for installation of ramped fish passage with a gated entrance, concrete walkway, new trash racks, future powerhouse foundation, tailrace wall extensions and associated tailrace rip-rap protection. A majority of the impacts (20,920 sq. ft.) are for temporary bed impacts associated with the installation of the cofferdam.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. The department has issued multiple time extension to allow time for the applicant to resolve outstanding issues.
3. On February 6, 2009, DES was informed the applicant would be withdrawing the application.
4. On March 5, 2009, the department discussed the project and withdrawal letter with the applicant.
5. On March 17, 2009, the department was informed by the applicant that they were finalizing the withdrawal letter and it would be sent.
6. On March 18, 2009, the department received a request from the applicant to withdraw the pending application because they are unable to resolve outstanding concerns, at this time, of the US Fish and Wildlife Service ("USFWS") and provide final plan designs.
7. The applicant is going to continue working to resolve the concerns of USFWS and file a new application.

2007-02326 NELSON, CHRISTOPHER/TRACEY **JEFFERSON Unnamed Wetland Forested Wetlands**

Requested Action:

Proposal to retain 3,960 sq. ft. and restore 35,275 sq. ft. of non-permitted wetlands impact for the construction of a single family home and access road.

WITHDRAW APPLICATION:

Withdraw application proposal to retain 1,330 sq. ft. and restore 37,905 sq. ft. of non-permitted wetlands impacts for the construction of a single family home and access road. All wetlands impacts will now be restored and reviewed through the Wetland Bureau Compliance Section.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) Projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. DES has been working with the applicant to resolve the outstanding issues.
3. On March 13, 2009, the department received a request from the applicant to withdraw the pending application and indicated that they will be working with the compliance department to restore all of the non-permitted wetlands impacts.

2008-01901 DEYO, JANET
BARRINGTON Within 100' Of Prime Wetland

Requested Action:

Retain work authorized under Emergency Authorization 2008-1901 involving installation of a sub-surface sewage disposal system impacting approximately 1,800 square feet within 100 feet of Barrington Prime Wetland #7, and 40 square feet of wetland restoration to Barrington Prime Wetland #7.

APPROVE AFTER THE FACT:

Retain work authorized under Emergency Authorization 2008-1901 involving installation of a sub-surface sewage disposal system impacting approximately 1,800 square feet within 100 feet of Barrington Prime Wetland #7, and 40 square feet of wetland restoration to Barrington Prime Wetland #7.

With Conditions:

1. All work shall be in accordance with plans by NHSC Environmental Inc. dated 10/22/2008, as received by DES on 10/24/2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. A prime wetlands public hearing was held on 2/5/2009.
3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The Emergency Authorization allowed replacement of a failed septic system adjacent to Barrington Prime wetlands, and restoration of a small impact in the edge of the wetland itself.
4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
6. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
7. The erosion controls, water velocity controls, stabilization methods, will protect the ability of the wetlands to retain floodwaters and silt.
8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. Based on findings #1-8 above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

MINIMUM IMPACT PROJECT

2007-01572 LEVY, KIMBERLY
PORTSMOUTH Unnamed Wetland Tidal Buffer

Requested Action:

Request to amend permit to shift driveway location to the north on property. No change in square footage or nature of wetlands impact.

Inspection Date: 02/12/2007 by Dori A Wiggin

APPROVE AMENDMENT:

Permanently impact 780 sq. ft. of the upland tidal buffer zone for construction of the corner of a dwelling and a hot tub area. Temporarily impact 3,189 sq. ft. of upland tidal buffer zone associated with foundation grading. Impact a freshwater wetland swale adjacent to municipal street including permanent impact of 203 sq. ft. for driveway, and 50 sq. ft. of temporary impact for sewer and water line installation.

With Conditions:

1. AMENDED: All work shall be in accordance with plans by Ambit Engineering Inc. dated 6/21/2007, as received by DES on 8/22/2007, and as amended for change in driveway location per revised plans dated 12/9/2008, as received by DES on 12/29/2008.
2. AMENDED: The amended location shall be the only driveway crossing into the property. The driveway as originally installed shall be removed, regraded to original contours and reseeded with native wetlands vegetation immediately upon completion of the installation of the amended crossing location.
3. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutants loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This amendment reflects no change in square footage of impact or nature of wetlands to be impacted.
2. The driveway location as now proposed is equally as approvable as the location originally permitted.
3. The permit is conditioned to allow only one driveway crossing and requires removal of the original crossing and restoration of the wetland immediately upon construction of the new crossing.

2007-01769 GARBER, ROY
HOPKINTON Unnamed Stream

Requested Action:

Deny reconsideration of permit issued based on conversion from forestry to non-forestry use; it gave the permittee selective consideration of two standard dredge and fill applications filed by permittee; and failed to consider the environmental impact within Wetlands Bureau jurisdiction which was caused by the permittee, who, over time, clear cut his property within a flood plain.

DENY RECONSIDERATION:

Deny reconsideration and reaffirm approval to retain 697 square feet of impact associated with culverts installed for a logging operation. Restore 645 square feet of intermittent stream and 284 square feet of wetland associated with Dolof Brook for access to buildable uplands.

With Findings:

Findings of Fact:

1. On August 1, 2007, DES received a Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact("Forestry Notification")for the subject Property.

2. On August 3, 2007, DES received a complaint alleging that minimum impact criteria had been exceeded.
3. On September 25, 2007, DES issued Letter of Deficiency WET 07-090 ("LoD") to the applicant. The LoD found that a crossing had not been removed following the completion of the timber harvesting operation and requested the applicant either remove and restore the crossing or file a standard dredge and fill permit application to retain the crossing.
4. On September 27, 2007, DES received a letter from the Hopkinton Conservation Commission stating that the crossings observed met the requirements of the Forestry Notification.
5. On July 9, 2008, DES received a standard dredge and fill application from Aspen Environmental Consultants, LLC, as agent for the applicant.
6. On July 10, 2008, DES received a letter from a resident of Briar Hill Road to express concerns and comments with the applicant's proposal.
7. On July 11, 2008, DES issued a "Notice of Administrative Completeness letter to confirm that the application was accepted as administratively complete.
8. On July 11, 2008, DES received a letter from an abutter (Map 249, Lot 11) to express concerns and comment on the applicant's proposal.
9. On July 21, 2008, DES received a letter from the Hopkinton Conservation Commission stating that a 24" culvert would be more appropriate than a 15" culvert.
10. On August 12, 2008, DES received a letter from an abutter (Map 249, Lot 3) to express concerns and comment on the applicant's proposal.
11. On September 18, 2008, DES sent a letter to the applicant requesting additional information. In summary, the letter requested plans indicating the location of the wetland boundary, more detail for the restoration aspect, and photographs of the restoration area.
12. On September 30, 2008, DES received a response to the above-referenced request for more information from the applicant's agent.
13. On October 28, 2008, DES issued Wetlands and Non-Site Specific Permit 2007-1769 to impact 697 square feet of wetland for the installation of two culverts and to restore 684 square feet of intermittent stream and 284 square feet of wetland associated with Dolof Brook.
14. On November 16, 2008, DES received a Reconsideration of Wetlands and Non-Site Specific Permit 2007-1769 from Christine Ojendyk and Terence Cronin (the appellants). The Reconsideration is based on the following:
 - a. The application proposes to retain a driveway in wetlands for agricultural use. The appellants contend that the Permit should be rescinded because the applicant does not intend to use the crossing for this purpose;
 - b. The applicant failed to meet his deadlines in Letter of Deficiency WET 07-090; and
 - c. The appellants allege that DES failed to address the environmental impacts to Dolf Brook as a result of timber harvesting on the subject property.

Findings for Denying Reconsideration:

1. Wetlands and Non-Site Specific Permit 2007-1769 does not specify the use of the crossing; the change in use of the crossing is a local issue and not within the purview of the Wetlands Bureau.
2. By definition, a Letter of Deficiency (LOD) is a request to take corrective action. A LOD is not enforceable, and cannot be

appealed.

3. The removal of standing timber will result in increased runoff because vegetation is no longer present to absorb water through root systems or through foliage. Impacts to Dolph Brook from timber harvesting were to be restored as conditioned on the Permit.

2008-01782 HARRIS, MASON & BERTHA
BENNINGTON Unnamed Stream

Requested Action:

Replace failed twin 12-inch x 20-foot CMP culverts along an intermittent stream with a 30-inch x 20-foot culvert providing access within an existing gravel pit.

APPROVE PERMIT:

Replace failed twin 12-inch x 20-foot CMP culverts along an intermittent stream with a 30-inch x 20-foot culvert providing access within an existing gravel pit.

With Conditions:

1. All work shall be in accordance with plans by Dennis D. McKenney dated November 11, 2008, and revised through February 16, 2009, as received by the Department on February 20, 2009.
2. Work shall be done during low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. Culverts shall be laid at original grade.
8. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Post-construction photographs of completed construction shall be submitted to the DES Wetlands Bureau within 30 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(n), Projects that alter the course of or disturb less than 50 linear feet of an intermittent stream.
2. A permit for the existing culverts was obtained from the DES Wetlands Board on April 14, 1989, permit no. H-1086.
3. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2008-01789 WINCHESTER KEY LTD PARTNERSHIP, JEFF COFFMAN
KEENE

Requested Action:

Dredge and fill \pm 3,000 sq. ft. of historically dredged wetlands for the installation of 54-inch x 130-foot HDPE culvert for access and parking for a \pm proposed retail auto parts store on a \pm 0.88 acre parcel.

APPROVE PERMIT:

Dredge and fill \pm 1,022 sq. ft. of historically dredged wetlands for the installation of a 54-inch x 40-foot HDPE culvert for access to a \pm 3,500 sq. ft. proposed commercial development and \pm 11,895 sq. ft. of parking on a \pm 0.88 acre previously developed parcel.

With Conditions:

1. All work shall be in accordance with plans by Clough Harbor & Associates, LLP dated February 06, 2009, as received by the DES on February 23, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. Work shall be done during low flow conditions.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Culverts shall be laid at original grade.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
20. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements and Env-Wt 303.04(n), projects that alter the course of or disturb less than 50 linear feet of an intermittent stream.
2. The access way is required for truck access and access to additional parking.
3. The existing ditched wetland was dredged for surface runoff removal and ground water discharge as part of the "City Tax Ditch"

agreement established in 1861.

4. The originally proposed site-layout was revised to reduce the proposed culvert by 110 feet, therefore eliminating the fill for lot development portion of the proposal.
5. The existing site has \pm 15,500 sq. ft. of impervious surface and no stormwater treatment.
6. Proposed improvements to compensate for the loss of stormwater treatment and flood storage provided by the 1,022 square feet of wetlands fill and the increased impervious surface (by 500 sq. ft.) includes a 4,000 sq. ft. basin, 1,132 sq. ft. expansion of the ditch at the proposed culvert outlet, pre-treatment deep sump catch basins and two water quality inlets.
7. Upland development of the lot is restricted by city 30-foot buffer to wetlands and a 10-foot wide electrical easement.
8. Existing surplus parking the west of the development will be used to meet the required parking needs.
9. The Keene Conservation Commission submitted an intent to intervene dated September 22, 2008.
10. In correspondence dated March 17, 2009, the Keene Conservation Commission stated, "The proposed project's efficient use of a tight development site is commendable in its efforts to avoid wetlands impacts.
11. The Ashuelot River Local Advisory Committee (ARLAC) submitted letters stating numerous concerns regarding the project dated October 03, 2008 and December 19, 2008.
12. In correspondence dated February 19, 2008, the ARLAC stated they believed the revised plans presented to them on February 17, 2008, addressed the ARLAC previous concerns.
13. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
14. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
15. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2008-02522 SNOW, MARTHA
DURHAM Tidal Buffer Zone

Requested Action:

Temporarily impact 1,237 sq. ft. of developed upland tidal buffer zone to install a replacement septic system.

APPROVE PERMIT:

Temporarily impact 1,237 sq. ft. of developed upland tidal buffer zone to install a replacement septic system.

With Conditions:

1. All work shall be in accordance with plans by NHSC Environmental Inc. dated 11/12/2008, as received by DES on 11/17/2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Any remaining excavation spoils shall be disposed of out of jurisdiction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(b), projects in previously developed uplands within 100' of the highest observable tide line that are not minor or major.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The project is to replace a failing septic system adjacent to Great Bay, and involves only temporary impact.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. NH Fish & Game reports that they expect no impacts to the Atlantic sturgeon, common tern or eastern hognose snake as a result of this project.
5. The Durham Conservation Commission did not report.

2008-02766 SPERO, JAMES
SUNAPEE Sunapee Lake

Requested Action:

Install a 4 ft x 24 ft seasonal dock on an average of 49 feet of frontage on Lake Sunapee, Sunapee.

Conservation Commission/Staff Comments:

Con Com has several concerns

APPROVE PERMIT:

Install a 4 ft x 24 ft seasonal dock on an average of 49 feet of frontage on Lake Sunapee, Sunapee.

With Conditions:

1. All work shall be in accordance with plans as received by DES on February 24, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 24 feet from the shoreline at full lake elevation.
7. Any watercraft secured to the docking structure shall not extend beyond the extension of the abutter's property line.
8. This permit does not allow for any modification of the shoreline for the installation of the dock.
9. The installation of the dock shall not create a navigational hazard for any existing permitted or grandfathered docks along the shoreline.
10. The installation of the dock shall not interfere with the ability of the public to use the right of way as stated in letter from Michael J Work as received by the Department on February 24, 2009.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal pier or wharf in no more than 2 slips are proposed.
2. The applicant has an average of 49 feet of shoreline frontage along Lake Sunapee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Less Than 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2009-00070 GALE, DAVID
SWANZEY Unnamed Wetland

Requested Action:

Confirm emergency authorization issued October 17, 2008, to temporarily impact approximately 100 sq. ft. of wetlands to drill a

private water drinking water well.

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization issued October 17, 2008, to temporarily impact approximately 100 sq. ft. of wetlands to drill a private water drinking water well.

With Conditions:

The approval of this emergency authorization is subject to the following project-specific conditions:

1. Photographs of the restoration area shall be submitted to the DES Wetlands Bureau by the end of the 2009 growing season.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The existing well onsite the provided water to several tenants in a commercial building was contaminated with fecal matter and iron.
3. The project was necessary to install a well to provide clean water to tenants.
4. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 17, 2008.
5. Reference related enforcement file no. 2005-01983.
6. Review of the application submitted pursuant to the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2009-00095 SOULIERE, GERALD/ROSE
FARMINGTON Unnamed Wetland

Requested Action:

Dredge and fill 1,258 sq. ft. of wetlands and install an 18" x 30' culvert to construct a driveway crossing to a single family house lot.

APPROVE PERMIT:

Dredge and fill 1,258 sq. ft. of wetlands and install an 18" x 30' culvert to construct a driveway crossing to a single family house lot.

With Conditions:

1. All work shall be in accordance with plans by Geometres Blue Hills LLC dated 2/13/2009, as received by DES on 2/18/2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Proper headwalls shall be constructed within seven days of culvert installation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert and associated fill for access to a single family building lot.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The applicant must cross wetlands, which run across the front roadside of the property, to reach buildable uplands.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas

and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the NH Natural Heritage Bureau.

5. The Farmington Conservation Commission recommended the permitted 18" culvert diameter, and had no further comments.

FORESTRY NOTIFICATION

2009-00359 MANGINI, VICTOR
GREENFIELD Unnamed Stream

COMPLETE NOTIFICATION:
Greenfield Tax Map R9, Lot# 27U

2009-00423 MORISON HOMESTEAD LAND TRUST, JEFFERSON FRANZ
PETERBOROUGH Unnamed Stream

COMPLETE NOTIFICATION:
Peterboro Tax Map R2, Lot# 52

2009-00424 NH NANTUCKET LIMITED PARTNERSHIP
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax Map 52, Lot# 16

2009-00425 HEARTWOOD FORESTLAND FUND IV LP, MATTHEW SAMPSON
SUCCESS Unnamed Stream

COMPLETE NOTIFICATION:
Success Tax Map 1613, Lot# 10

2009-00449 MACK, ERNEST
AMHERST Unnamed Stream

COMPLETE NOTIFICATION:
Amherst Tax Map 6, Lot# 102

2009-00450 BAKER, DANIEL
SUTTON Unnamed Stream

COMPLETE NOTIFICATION:
Sutton Tax Map 6, Lot# 193,056 & 194,058

EXPEDITED MINIMUM

2008-02584 HOUGHTON, CLARENCE
WALPOLE Unnamed Pond

Requested Action:

Maintenance dredge 1,000 sq. ft. of sediment from an existing pond.

APPROVE PERMIT:

Maintenance dredge 1,000 sq. ft. of sediment from an existing pond.

With Conditions:

1. All work shall be in accordance with plans by Clarence W. Houghton as received by the Department on December 01, 2008 and February 24, 2009.
2. No work shall occur within 20 feet of abutting property line of lot 49, tax map 59.
3. All work shall be done in the dry/ frozen conditions/ low water/ or under draw down conditions.
4. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Wq 1700.
9. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
10. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Machinery shall not be located within surface waters.
17. Machinery shall be staged and refueled in upland areas.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.

22. Area of temporary impact shall be regraded to original contours following completion of work.
23. Mulch within the any stabilization areas shall be straw.
24. Seed mix within the stabilization areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.
25. Post-construction photographs documenting the status of the completed project shall be submitted to the DES Wetlands Bureau within sixty (60) days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (k), Maintenance dredging, when necessary to provide continued usefulness of man-made ponds.
2. DES issued a Request for More information on December 23, 2008.
3. The applicant submitted an insufficient response on January 04, 2009.
4. In correspondence dated February 04, 2009, DES outlined outstanding items required for approval.
5. The February 04, 2009, letter was returned to DES on February 09, 2009.
6. On February 12, 2009, DES emailed a copy of the general letter to the applicant.
7. The February 04, 2009, letter was re-mailed on February 17, 2009.
8. The applicant attempted to contact DES by phone on February 18, 2009.
9. DES denied the application untimely on February 24, 2009.
10. The applicant submitted a request for reconsideration on February 24, 2009.
11. The request for reconsideration addressed items outlined in the December 23, 2008 Request for More Information, and therefore the application is approved.
12. The applicant has received written consent from the owners of lots 41 and 41-1 (Tax Map 59), abutters to the property on which project activities will take place, for work within 20 feet of their property lines, in accordance with Env-Wt 304.04(a).
13. The Conservation Commission signed the Minimum Impact Expedited Application.
14. No comments were submitted from the federal agencies, NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.
15. The request for project review by the NH Division of Historical Resources has confirmed that no historic resources are present, received November 21, 2008.
16. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
17. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
18. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00272 SKOWRONSKI, RICHARD & LEILA HANNA
NORTH HAMPTON Unnamed Wetland

Requested Action:

Dredge and fill 300 square feet of palustrine forested wetland to construct a roadway and install a 24-inch by 34-foot culvert for access to a 5 lot conservation subdivision of 69.95 acres.

Conservation Commission/Staff Comments:

The North Hampton Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 300 square feet of palustrine forested wetland to construct a roadway and install a 24-inch by 34-foot culvert for access to a 5 lot conservation subdivision of 69.95 acres.

With Conditions:

1. All work shall be in accordance with the following plans received by DES on February 17, 2009:
 - a.) The Rocky Ledge Conservation Subdivision (Sheets 1-3) by James Verra and Associates, Inc. dated January 19, 2009 and revised

February 5, 2009; and,

b.) The Wetlands Board Application Plan (Sheet C1) by Ambit Engineering, Inc. dated February 11, 2009.

2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
6. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #10 of this approval.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during seasonal low flow conditions.
9. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
10. No fill shall be done for lot development.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The impacts are necessary for access; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The impacts will occur at the narrowest portion of wetland; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00331 BARTLETT, DAVID & SUE
NEWBURY Lake Sunapee

Requested Action:

Repair an existing boat house and docking structure consisting of a 30 ft 4 in x 16 ft 3 in flat roof boathouse supported by a 6 ft 3 in x 30 ft 4 in dock supported by two 4 ft x 8 ft cribs connected to a 6 ft 3 in x 30 ft 4 in dock supported by two 4 ft x 8 ft cribs by a 9 ft x 9 ft 9 in walkway on Lake Sunapee, Newbury.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on Feb 27, 2009

APPROVE PERMIT:

Repair an existing boat house and docking structure consisting of a 30 ft 4 in x 16 ft 3 in flat roof boathouse supported by a 6 ft 3 in x 30 ft 4 in dock supported by two 4 ft x 8 ft cribs connected to a 6 ft 3 in x 30 ft 4 in dock supported by two 4 ft x 8 ft cribs by a 9 ft x 9 ft 9 in walkway on Lake Sunapee, Newbury.

With Conditions:

1. All work shall be in accordance with plans by David Bartlett dated February 18, 2009, as received by DES on February 26, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of

the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.

4. The repairs shall maintain the size, location and configuration of the pre-existing structures.

5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.

7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2009-00345 SIMONI, CARLO & ANN
WILTON Unnamed Wetland**

Requested Action:

Dredge and fill 1,610 sq. ft. of wetlands to install an 18-inch x 32-foot culvert for driveway access to a single lot of a 6-lot subdivision on \pm 22.080 acres.

APPROVE PERMIT:

Dredge and fill 1,610 sq. ft. of wetlands to install an 18-inch x 32-foot culvert for driveway access to a single lot of a 6-lot subdivision on \pm 22.080 acres.

With Conditions:

1. All work shall be in accordance with plans received February 26, 2009 and subdivision plans by Sanford Surveying and Engineering dated January 13, 2009, as received by the DES on February 26, 2009.

2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

3. This permit is contingent on approval by the DES Subsurface Systems Bureau.

4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition # 4 of this approval.

6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.

7. Work shall be done during low flow conditions.

8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Proper headwalls shall be constructed within seven days of culvert installation.
12. Culverts shall be laid at original grade.
13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00391 OBERKOTTER JR TRUST, HAROLD
NEW LONDON Lake Sunapee

Requested Action:

Replace an existing permanent 8 ft x 24 ft 7 in dock supported by an 8 ft x 8 ft crib and accessed by a 5 ft x 6 ft walkway on Lake Sunapee, New London.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on 03/06/09

APPROVE PERMIT:

Replace an existing permanent 8 ft x 24 ft 7 in dock supported by an 8 ft x 8 ft crib and accessed by a 5 ft x 6 ft walkway on Lake Sunapee, New London.

With Conditions:

1. All work shall be in accordance with plans by Richard Green dated January 29, 2009, as received by DES on March 09, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.
2. The applicant has an average of 384 feet of shoreline frontage along Lake Sunapee.
3. A maximum of 6 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

GOLD DREDGE

2009-00438 BELLIVEAU, STEPHEN
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

2009-00440 RIAN, CARL
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

PERMIT BY NOTIFICATION

2009-00409 NORTHWOOD, TOWN OF
NORTHWOOD Lucas Pond

Requested Action:
Repair existing non-docking structures.

Conservation Commission/Staff Comments:
Con Com signed PBN on 03/03/09

With Findings:
Repair of existing non-docking structures pursuant to Env-Wt 303.04(x).

2009-00436 NEW ENGLAND POWER COMPANY
PELHAM Unnamed Wetland

Requested Action:
Temporarily impact 1,200 square feet of palustrine scrub-shrub wetland by laying down timber mats for access to perform upgrades to the existing utility line.

Conservation Commission/Staff Comments:

The Pelham Conservation Commission signed the PBN.

PBN IS COMPLETE:

Temporarily impact 1,200 square feet of palustrine scrub-shrub wetland by laying down timber mats for access to perform upgrades to the existing utility line.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(af) Temporary impacts associated with the inspection, maintenance, and repair of existing utility lines within an existing utility right of way.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

CSPA PERMIT

2008-02809 MACDONALD, PAULINE
AUBURN Massabesic Lake

Requested Action:

Impact 3,840 sq ft for the purpose of creating a 4 bedroom, single-family dwelling by constructing an addition onto an existing single-family dwelling and expanding an existing gravel driveway, reconfiguring an existing deck, removing a portion of the exiting gravel driveway and installing a state approved septic system.

APPROVE PERMIT:

Impact 3,840 sq ft for the purpose of creating a 4 bedroom, single-family dwelling by constructing an addition onto an existing single-family dwelling and expanding an existing gravel driveway, reconfiguring an existing deck, removing a portion of the exiting gravel driveway and installing a state approved septic system.

With Conditions:

1. All work shall be in accordance with plans by Joseph Wichert LLC dated November 26, 2008 and received by the Department of Environmental Services ("DES") on March 5, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No more than 19.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00131 FEELY, PATRICK & KATHLEEN
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 412 sq ft for the purpose of installing patio and stepping stone path through the waterfront buffer.

APPROVE PERMIT:

Impact 412 sq ft for the purpose of installing patio and stepping stone path through the waterfront buffer.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants LLC dated January 22, 2009 and received by the Department of Environmental Services ("DES") on January 27, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. No more than 13.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 8,393 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 7,174 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00153 AUBERTINE, KERRY
CONCORD Contoocook River

Requested Action:

Impact 1871 sq ft for the purpose of removing an existing single family dwelling that was damaged by a fire and constructing a single family dwelling in a new location.

APPROVE PERMIT:

Impact 1871 sq ft for the purpose of removing an existing single family dwelling that was damaged by a fire and constructing a single family dwelling in a new location.

With Conditions:

1. All work shall be in accordance with plans by Kerry Aubertine dated January 30, 2009 and received by the Department of Environmental Services ("DES") on January 30, 2009.
2. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
3. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. No more than 6.55% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00173 HAY CREEK HOSPITALITY LLC
WOLFEBORO Lake Winnepesaukee

Requested Action:

Impact 9,841 sq ft for the purpose of moving an existing storage shed out of the waterfront buffer, reconfiguring an existing gravel walkway within the natural woodland buffer, adding outdoor lighting and installing a storm water infiltration trench.

APPROVE PERMIT:

Impact 9,841 sq ft for the purpose of moving an existing storage shed out of the waterfront buffer, reconfiguring an existing gravel walkway within the natural woodland buffer, adding outdoor lighting and installing a storm water infiltration trench.

With Conditions:

1. All work shall be in accordance with plans by TFM dated February 24, 2009 and received by the Department of Environmental Services ("DES") on March 4, 2009.
2. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 17.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 1100.0 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with

applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00196 JWM GENERATIONS TRUST, SKIP HURT
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Impact 2,359 sq ft for the purpose of replacing an existing garage and replacing portions of an existing impervious driveway with pervious technology.

APPROVE PERMIT:

Impact 2,359 sq ft for the purpose of replacing an existing garage and replacing portions of an existing impervious driveway with pervious technology.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc dated February 24, 2009 and received by the Department of Environmental Services ("DES") on March 2, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 19.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

**2009-00215 BRESNAHAN, JOSEPH & KAREN
ALTON Lake Winnepesaukee**

Requested Action:

Impact 8,500 sq ft for the purpose of constructing a single family dwelling with 2 screened porches and a deck and installing a septic system.

APPROVE PERMIT:

Impact 8,500 sq ft for the purpose of constructing a single family dwelling with 2 screened porches and a deck and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders Inc. dated February 4, 2009 and received by the Department of Environmental Services ("DES") on February 9, 2009.
2. The temporary access path within the waterfront buffer for construction activities according to plans by Beckwith Builders Inc. may be no more than 12 feet wide and shall be re-vegetated with native trees, shrubs and ground cover upon completion of project installation.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. No more than 9.58% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
7. The project as proposed will leave approximately 11,158 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 10,717.5 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
10. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
11. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
12. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00262

PETER G RICE 2004 REV TRUST, MARIE LAWSON SUCCESSO

ALTON Lake Winnepesaukee

Requested Action:

Impact 8,695.66 sq ft for the purpose of constructing a single-family dwelling, a driveway and installing a septic system.

APPROVE PERMIT:

Impact 8,695.66 sq ft for the purpose of constructing a single-family dwelling, a driveway and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated January 13, 2009 and received by the Department of Environmental Services ("DES") on February 13, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 12% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

8. The project as proposed will leave approximately 1,875 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1773.75 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00263 RICE 2004 REVOC TRUST, PETER
ALTON Lake Winnepesaukee

Requested Action:

Impact 8,883 sq ft for the purpose of removing an existing dwelling and reconstructing a new single-family dwelling with garage and driveway.

APPROVE PERMIT:

Impact 8,883 sq ft for the purpose of removing an existing dwelling and reconstructing a new single-family dwelling with garage and driveway.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated February 13, 2009 and received by the Department of Environmental Services ("DES") on February 13, 2009.
2. No trees within the waterfront buffer may be removed during the completion of this project.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. All proposed impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
6. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No more than 18.22% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
10. The project as proposed will leave approximately 292 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
11. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
12. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
13. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant or their designated agent hereby requests a Waiver of Administrative Rule Env-Wq 1405.03(c)(1) for an oversized 397.27 sq ft patio.
2. Pursuant to Env-Wq 1413.04 (a)(1),a, the Department of Environmental Services may grant an Administrative Rule Wavier if granting the request will not result in an adverse effect to the environment or natural resources of the state, public health, or public

safety.

3. The proposed project will remove an exiting, non-conforming, primary structure from the waterfront buffer and provide increased protection to the public waters and, therefore, satisfies the aforementioned criteria for granting the request.

2009-00267 KOROPP, PHYLLIS
TUFTONBORO Lake Winnepesaukee

Requested Action:

Impact 5,414 sq ft for the purpose of installing a new frost wall and replacing the pier foundation of an existing single family dwelling.

APPROVE PERMIT:

Impact 5,414 sq ft for the purpose of installing a new frost wall and replacing the pier foundation of an existing single family dwelling.

With Conditions:

1. All work shall be in accordance with plans by Christopher Williams Architects dated February 11, 2009 and received by the Department of Environmental Services ("DES") on March 6, 2009.
2. No more than 4.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. The project as proposed will leave approximately 19,032 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 13,412 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00279 KOOR TRUST OF 1990, CLAIRE
SALEM Arlington Pond

Requested Action:

Impact 7,062 sq ft for the purpose of removing a non-conforming primary structure and constructing a conforming single-family dwelling, a pervious driveway and installing a septic system.

APPROVE PERMIT:

Impact 7,062 sq ft for the purpose of removing a non-conforming primary structure and constructing a conforming single-family dwelling, a pervious driveway and installing a septic system.

With Conditions:

1. All work shall be in accordance with plans by James Lavelle Associates dated January 16, 2009 and received by the Department of Environmental Services ("DES") on February 18, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 16.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 2,131 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,627 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00324

KIRST, RICHARD & AMY

WOLFEBORO Crescent Lake

Requested Action:

Impact 8,193 sq ft for the purpose of removing an existing non-conforming structure and portions of an existing gravel driveway and constructing a single family dwelling with a septic system.

APPROVE PERMIT:

Impact 8,193 sq ft for the purpose of removing an existing non-conforming structure and portions of an existing gravel driveway and constructing a single family dwelling with a septic system.

With Conditions:

1. All work shall be in accordance with plans by DMC Surveyors dated February 17, 2009 and received by the Department of Environmental Services ("DES") on February 25, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 17.33% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. The project as proposed will leave approximately 1882 sq ft of the Natural Woodland Buffer beyond the primary building setback

in an unaltered state. At least 1880 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00341 KELSEY, THOMAS & ELIZABETH
CENTER HARBOR Squam Lake

Requested Action:

Impact 1,103 sq ft for the purpose of constructing a storage shed on concrete piers and a bark mulch driveway connecting the shed to the existing gravel driveway.

APPROVE PERMIT:

Impact 1,103 sq ft for the purpose of constructing a storage shed on concrete piers and a bark mulch driveway connecting the shed to the existing gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by David Dolan Associates dated February 24, 2009 and received by the Department of Environmental Services ("DES") on February 27, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
4. No more than 5.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. The project as proposed will leave approximately 35,352 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 35,280 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00369 OBRIEN, SCOT
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 2,374 sq ft for the purpose of removing an existing cottage, converting an existing gravel parking lot to lawn and constructing a garage with a 2 bedroom single family dwelling and a gravel driveway.

APPROVE PERMIT:

Impact 2,374 sq ft for the purpose of removing an existing cottage, converting an existing gravel parking lot to lawn and constructing a garage with a 2 bedroom single family dwelling and a gravel driveway.

With Conditions:

1. All work shall be in accordance with plans by Edward Gallagher dated February 9, 2009 and received by the Department of Environmental Services ("DES") on March 5, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
4. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No more than 26.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

CSPA PERMIT W/WAIVER

2008-02559 HEFFRON LIVING TRUST, DAWN
LACONIA Winnisquam Lake

Requested Action:

Impact 14,600 sq ft for the purposes of expanding the footprint of an existing non-conforming primary structure, installing a new septic system and conducting landscaping activities.

Inspection Date: 02/11/2009 by Raymond M Reimold

APPROVE PERMIT:

Impact 14,600 sq ft for the purposes of expanding the footprint of an existing non-conforming primary structure, installing a new septic system and conducting landscaping activities.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Steven J. Smith & Assoc., last revised March 12, 2009, and received by the

Department of Environmental Services ("DES") on March 17, 2009.

2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 11.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. The project as proposed will leave approximately 7,445 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,719 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
15. All replanting and the construction of rain gardens shall be completed within 1 year of the initiation of the construction of the new structures.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnisquam and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to install stormwater controls in the form of (4) rain gardens that capture surface water runoff as well as stormwater from roofs.
4. The applicant has proposed to significantly enhance the waterfront buffer with several species of native vegetation.
5. The applicant has proposed to convert 1,886 sq ft of an existing impervious driveway to a pervious asphalt system.
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a greater setback from the reference line.
7. The applicant has proposed to install stormwater controls, significantly enhance the waterfront buffer, convert an existing impervious driveway to a pervious technology, and install a new septic system and, therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2008-02790 **YOUNG, CHARLES**
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 4,370 sq ft for the purposes of expanding the footprint of an existing non-conforming primary structure as well as installing a new septic sytem and drywell.

APPROVE PERMIT:

Impact 4,370 sq ft for the purposes of expanding the footprint of an existing non-conforming primary structure as well as installing a new septic system and drywell.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by David M. Dolan Associates, P.C., dated July 31, 2008 and received by the Department of Environmental Services ("DES") on December 23, 2008.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 3.38% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. The project as proposed will leave approximately 15,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. No greater than 15,500 sq ft of the Natural Woodland Buffer beyond the primary building setback may be altered in order to comply with RSA 483-B:9, V, (b), (2).
6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Silt fencing must be removed once the area is stabilized.
14. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to significantly enhance the waterfront and natural woodland buffers with native vegetation.
4. The applicant has proposed to install stormwater controls consisting of rain gutters and a drywell as well as reconfiguring an existing walkway to better handle stormwater runoff.
5. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system with a greater setback from the reference line.
6. The applicant has proposed to install stormwater controls, enhance the waterfront and natural woodland buffers, install a new septic system, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00162 BUCZAK, EDWIN
GILFORD Lake Winnepesaukee

Requested Action:

Impact 6,575 sq ft to construct an addition to existing non-conforming structure and install a new septic system.

APPROVE PERMIT:

Impact 6,575 sq ft to construct an addition to existing non conforming structure and install a new septic system.

WAIVER APPROVED: RSA 483-B:9,II(b) and RSA 483-B:9(V)a(2)(c) are waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated March 12, 2009 and received by the Department of Environmental Services ("DES") on March 13, 2009.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. This approval includes a waiver of RSA 483-B:9, II(b) and RSA 483-B:9(V)a(2)(c), therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. The temporary impact areas within the waterfront buffer shall be revegetated with appropriate groundcovers and restored to at least the equivalent of pre-existing conditions.
5. No more than 7.4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
6. The project as proposed will leave approximately 13,260 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 8,918 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II(b) of the CSPA.
2. The proposed project would temporarily alter 300 sq ft of the Waterfront Buffer, and therefore, fails to conform to restrictions that "No natural groundcover shall be removed", set forth in RSA 483-B:9, V(a)(2)(c).
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The project as proposed would result in an increase in impervious surface area on the property from 4.4% to 7.4%.
5. All impacts within the Waterfront Buffer are temporary.
5. The applicant has proposed to install a new septic system, plant native woody shrubs and trees in the waterfront buffer, and install a perimeter drain to improve stormwater control, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00205 KANE, ROBERT
MEREDITH Lake Winnepesaukee

Requested Action:

Impact 227 sq ft to construct an addition to a non-conforming structure.

APPROVE PERMIT:

Impact 227 sq ft to construct an addition to a non-conforming structure.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Island Service Corp. dated January 27, 2009 and received by the Department of Environmental Services ("DES") on March 16, 2009.
2. This approval includes a waiver of RSA 483-B:9, II(b) and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 2.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 25,400 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 13,250 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The plantings and drip edge construction as shown on the approved plans shall be completed within 6 months of the initiation of the construction of the approved addition.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, (b) of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in an increase of the impervious surface area on the property from 1.67% to 2.00%.
4. The applicant has proposed to plant ten native blueberry bushes and install drip edges around the proposed addition to improve wildlife habitat and stormwater management, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

2009-00286 GAMACHE, WILLIAM
ACWORTH Crescent Lake

Requested Action:

Impact 4,564 sq ft for the purpose of expanding an existing non-conforming primary structure as well as installing a new state approved septic system.

APPROVE PERMIT:

Impact 4,564 sq ft for the purpose of expanding an existing non-conforming primary structure as well as installing a new state approved septic system.

WAIVER APPROVED: RSA 483-B:9, II(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans by Keyland Enterprises, LLC., dated February 10, 2009 and received by the Department of Environmental Services ("DES") on February 19, 2009.
2. This approval includes a waiver of RSA 483-B:9, II (b) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
4. No more than 13.8% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
6. The project as proposed will leave approximately 49 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. No additional area existing in an unaltered state beyond the primary building setback may be altered.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Crescent Lake and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II (b), of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to decrease the overall impervious area of the lot within the protected shoreland by 225 sq ft.
4. The applicant has proposed to install stormwater controls consisting of retaining walls, infiltration trenches and plunge pools
6. The applicant has proposed to install a new NH DES Subsurface Bureau approved wastewater treatment system.
7. The applicant has proposed to significantly enhance the waterfront buffer by planting various species of native vegetation.
8. The applicant has proposed to install stormwater controls, install a new septic system, reduce the total amount of impervious surface coverage of the lot within the protected shoreland, enhance the waterfront buffer, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.